

REMARKS

Claims 1-30 and 35-49 are pending as of the action mailed on 15 February 2007.

No claims are being amended. No claims are being canceled.

Claim 50 has been newly added. Claim 50 is a computer program product claim containing limitations corresponding to those found in claim 35 and claim 36. No new matter has been added.

Reexamination and reconsideration of the action are requested in light of the following remarks.

Interview Summary

The applicant thanks Examiner Nash for the courtesy of a telephone interview on 14 May 2007. The time spent with the applicant's representative, Arrienne M. Lezak, was greatly appreciated. During the interview, the claims were discussed in light of the prior art. The applicant's representative enumerated the inapplicability of the Hashimoto art and the examiner requested that the applicant place the argument in writing for further consideration.

Section 103 Rejections

Claims 1, 9-11, 14, 16, 24-26, 29, 39 and 40-46 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent 6,425,012 ("Trovato") in view of U.S. Patent 6,651,086 ("Manber"), in further view of U.S. Patent 6,750,881 ("Appleman") in further view of U.S. Patent 6,848,997 ("Hashimoto").

Claims 2-8, 17-23, 37 and 38 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Trovato, Manber, Appleman, Hashimoto, and in further view of U.S. Patent 6,336,133 ("Morris").

Claims 15 and 30 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Trovato, Manber, Appleman, Hashimoto, and in further view of U.S. Patent 5,880,731 ("Liles").

Claims 35-36 and 47-49 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Trovato, Liles, Morris and Hashimoto.

Claims 1, 16, 35, 36, 39, 40, 43, 46 and 47-49

On page 11 of the non-final office action mailed 24 August 2006, the examiner indicated allowable subject matter as follows:

“Independent claims 1, 16, 39, 40, 43 and 46 and subsequent dependent claims are considered allowable. The aforementioned claims describe a unique method and system for populating online forums with users up to a determined threshold, except placing users in the forum if an interactive relationship is determined to exist between the users even if the forum would otherwise be deemed full. Applicable prior art discloses creating clones of online forums, placing users in forums based on interactive relationships, and limiting the number of users of online forums to a maximum limit, as set forth in detail throughout the Office action. However, Examiner asserts that these aforementioned limitations as recited in Applicant's claims are not an obvious modification to the cited prior art on the record.

Examiner additionally suggests amending independent claims 35-36 to further incorporate limitation that clearly indicate reserving extra capacity for instances of forums, so the “special” users may be placed in an instance of a forum, even if the instance would otherwise be deemed full as disclosed in Applicant's specification (i.e. pages 6-8).”

In an amendment in reply to the non-final action mailed 24 August 2006, the applicant amended claims 35 and 36 according to the examiner's suggestion. Additionally, the applicant added new claims 47-49, each of which contain the examiner's suggested allowable claim language.

In response to the applicant's amendment, on 15 February 2007, the examiner mailed a new non-final office action. On page 2 of the non-final office action mailed 15 February 2007, the examiner notes that “the indicated

allowability of claims 1, 16, 39, 40, 43 and 46 is withdrawn in view of newly disclosed reference Hashimoto et al. (U.S. Patent 6,848,997)."

On pages 9 and 10 of the office action mailed 15 February 2007, the examiner notes the following:

"The references fail to show if an interactive relationship exists, placing the user entering the first forum in a clone of the first forum based on the relationship even if the clone in which the first user is placed would otherwise be deemed full. Nonetheless, this limitation was well known in the art at the time of invention, as further evidenced by Hashimoto. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the system as disclosed by Trovato, Manber, Appleman and Hashimoto.

In analogous art, Hashimoto discloses a system for linking a plurality of communicating participants of an on-line game via a network (abstract). Hashimoto further discloses if an interactive relationship exists, placing the user entering the first forum in a clone (i.e. lobby; Figure 26-items75) of the first forum (i.e. game world; Figure 26-item 75R) based on the relationship even if the clone in which the first user is placed would otherwise be deemed full (i.e. user entering room placed in dedicated waiting room when a requested room is full, column 10, lines 22-65)."

The applicant respectfully disagrees with the examiner, noting that the portion of Hashimoto relied upon to teach, "if an interactive relationship exists, placing the user entering the first forum in a clone, based on the relationship, even if the clone in which the first user is placed would otherwise be deemed full", in fact, expressly teaches away from the applicant's claimed invention. The portion of Hashimoto relied upon for the rejection (column 10, lines 22-65), reads as follows:

FIG. 26 is a block diagram showing the situation in which a game device 1 is connected to sub-servers via an Internet provider 9, a network 3 and a specified Internet provider 5, respectively.

The sub-servers 73 are called 'worlds' in FIG. 26, and comprise five worlds, from a first world 73A to a fifth world 73E.

Because each world has the same construction, the construction of the worlds will be explained in detail below using on the first world 73A as an example.

Players authorized by the authentication server 72 are notified by the gate server 71 of such information as the type of game that is played in the first world 73A, tournament information, sponsors and maintenance times.

The gate server 71 comprises the first server (first play server) 73a, the second server (second play server) 73b, and a so on, up to the tenth server (tenth play server) 73j. Because each play server has the same construction, the internal construction of the play servers will be explained below using only the first server (first play server) 73a as an example.

When a player's terminal device is connected to the first server 73a, the server's environment is provided to the player's terminal device. In other words, the player first enters a space resembling the lobby 75 of a resort hotel. A memory area corresponding to this lobby exists in this server.

Next, by making a selection after receiving reports from the gate server 71, the player can enter the selected room in the memory area of the first server 73a. The lobby 75 is a so-called waiting room, and players may select their playing room (from the first room 75R through the 224th room 75R) from the lobby 75.

Each play server is assigned play rooms such as fortune-telling rooms, chess rooms, card game rooms, or mah-jongg rooms. Each room in a special play server is a play room dedicated to a designated game, such as mah-jongg, and each room has a maximum occupancy. The player can enter a desired room if the maximum occupancy has not been reached, but cannot enter if the maximum occupancy has been reached. A player entering a play room can play an online game such as mah-jongg with other players that have already entered the room. The player selects which world to enter.

The applicant's claim language clearly recites, "if an interactive relationship exists, placing the user entering the first forum in a clone of the first forum based on the relationship, even if the clone in which the first user is placed would otherwise be deemed full." Hashimoto clearly recites, "each room has a maximum occupancy. The player can enter the desired room if the maximum

occupancy has not been reached, but cannot enter if the maximum occupancy has been reached." Hashimoto, therefore is inapplicable art as it expressly teaches away from the applicant's claimed invention.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) is therefore respectfully requested.

Thus, in light of the allowable subject matter indicated by the examiner in the office action mailed 24 August 2006, the examiner-suggested amendments to the claims and the new claims containing the allowable claim language suggested by the examiner, (as submitted by the applicant in the reply to the non-final action mailed 24 August 2006), the applicant respectfully submits that all pending claims are now in condition for allowance.

New Claim 50

The applicant has added new claim 50, support for which is enumerated above.

Conclusion

For the foregoing reasons, the applicant respectfully submits that all the claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicants do not acquiesce with other position that have not been explicitly addressed. In addition, the applicants' arguments for the patentability of a claim should not be understood as implying that no other reasons for he patentability of that claim exist.

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Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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